UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,952	04/12/2001	Toshiaki Ueguri	862.C2197	9892

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EXAMINER
VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	09/832,952	UEGURI ET AL.
Office Action Summary	Examiner	Art Unit	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 October 2007</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-11,13-15,54,55,58 and 59* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-11,13-15,54,55,58 and 59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Application Background

1.   This action is responsive to the Request for Continued Examination, filed

on 10/4/2007.

2.   Applicant has cancelled claims 34-42, 52 and 53; amended claims 9-11

and 13-15; and added new claims 58 and 59. Claims 1-8, 12, 16-33 and 43-

51 were previously canceled.

3.   Claims 9-11, 13-15, 54, 55, 58 and 59 are pending in the case, claims 9

and 13 are independent claims.

4.   A request for continued examination filed under 37 CFR 1.114, including

the fee set forth in 37 CFR 1.17(e), was filed in this application after a final

rejection. Since this application is eligible for continued examination under 37

CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office Action (dated 5/4/2007) has been withdrawn

pursuant to 37 CFR 1.114.

5.   Examiner's rejection of claims 34-42 and 54-57, made under 35 USC 112

as recited in the *Claim Rejections – 35 USC 112* section of the previous office

action (dated 5/4/2007) is withdrawn in view of the cancelled claims.

6.   Examiner's rejection of claims 34-42 and 54-57, made under 35 USC 103

as recited in the *Claim Rejections – 35 USC 103* section of the previous office

action (dated 5/4/2007) is withdrawn in view of the cancelled claims.

7.   Examiner's rejection of claims 9-11 and 13-15, made under 35 USC 112

as recited in the *Claim Rejections – 35 USC 112* section of the previous office

action (dated 5/4/2007) is withdrawn in view of the amended claims.

8.   Examiner's rejection of claims 9-11, 13-15, 54 and 55, made under 35

USC 103 as recited in the *Claim Rejections – 35 USC 103* section of the

previous office action (dated 5/4/2007) is withdrawn in view of the amended

claims. However new grounds of rejection are made, as described below.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> *"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."*

10.   Claims 9-11, 13-15, 54, 55, 58 and 59 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Levac et al. US Patent 6,034,970, filed 7/2/1997,

patented 3/7/2000 (hereinafter Levac) in view of Whitledge et al., US Patent

6,925,595, filed 8/5/1998, patented 8/2/2005 (hereinafter Whitledge), IN

FURTHER VIEW OF Kojima et al., US Patent 6,452,947, filed 7/2/1998,

patented 9/17/2002 (hereinafter Kojima).

11.   **Regarding independent claim 9**, Levac discloses a server in Figure 2 at

reference sign 28 (shown as *"Message Server"*). Levac discloses detecting

new text inserted in a web page. Levac recites: *"The data acquisition program*

may include a Web scanning program, which is configured to monitor one or

more Internet Web sites that are of interest to a designated message

recipient. Upon detection of a modification to the information content of the

Web site, the data acquisition program can update the variable value in the

message template with information providing a notification of the modification"

(column 10, lines 54-61). Levac also discloses converting the text as

appropriate for the receiving device. Levac recites: *"As illustrated in FIG. 5,*

system 10 preferably includes various other types of protocol converters 24a-

n that convert messages and variable data to protocols, such as are

compatible with fax machines, e-mail systems, HTML files, audio devices

(audio.wav)" (column 7, lines 49-53).

Levac further discloses transmitting a character string representing the

text to a registered user. Levac recites: *"The data acquisition program can*

then convey the updated message template through automated source

interface 22. The notification can simply be a communication alerting the

message recipient of the modification (e.g., "www.xxx.com was updated on

1/1/97"), or can include a portion of the modified information content, such as new text" (column 10 lines 61-67).

Levac discloses deleting. Levac recites: "*In addition to routing messages to protocol converters 24a-n, message server 14 also transmits server commands, such as the activate message command discussed previously. Other server commands can include a "delete message" command and a "delete all messages" command*" (column 9, lines 25-29). A message could be deleted by Levac's invention in order to avoid converting the message to synthetic speech. Levac fails to disclose deleting registered character strings from a web page based upon character strings registered in a predetermined file.

Whitledge disclose consulting a preference file where predetermined conversion preferences are stored. Whitledge recites: "*At Step 26, the content converter 16 consults the database 18 to obtain conversion preferences (e.g., conversion preferences to convert the original electronic document requested by the first network device 12 into a converted electronic document for the first network device 12). The conversion preferences can include any of user-preferences, device-conversion preferences, site-specific conversion preferences, or other preferences for content conversion*" (column 8, lines 5-13).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the conversion preference file capabilities of Whitledge with the intelligent messaging system of Levac in order to

provide "*a method and system for converting the content of electronic data for a desired network device*" (Whitledge, column 1, lines 18-19).

Levac and Whitledge disclose detecting new text, converting the text based upon preferences, and transmitting the converted version of the text as described above. Levac further discloses converting written text into audio (see figure 5 at reference signs 24f and 26g). Text to speech conversion is well known in the art. The examiner has provided an article entitled "*Speech Synthesis*" from the Internet encyclopedia Wikipedia, wherein computerized "*text-to-speech*" processes have been available since the early 1980s (page 1, third paragraph). See also page 7 and 8, where the history of speech synthesis related to various operating systems is provided. It should be noted that speech synthesis inherently uses a two step conversion process as described on page 2 first paragraph, where the text is first converted into a phonetic representation, and then a second conversion process converts the phonetic representation into a audio or sound representation (described at the end of the paragraph as the "*synthesizer*"). Levac discloses text to audio conversion, which inherently includes the two-stage conversion process of speech synthesis.

Claim 9 is directed to transmitting the detected new text in three different modes based upon preferences: (mode 1) as synthetic speech, (mode 2) as a phonetic character string, (mode 3) as unconverted information. As described above Levac and Whitledge disclose converting the text based upon preferences, and transmitting information based upon the preferences. Levac

disclose text to speech conversion and providing unconverted information, therefore, Levac discloses modes 1 and 3. Levac and Whitledge fail to disclose transmitting the phonetic representation (mode 2) of the information. Kojima discloses transmitting the phonetic representation of the information. Kojima recites: "*The information transmitter transmits the information in the form of phonetic character strings*" (column 2 lines 10-11).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine Levac and Whitledge with Kojima in order to "*eliminates the necessity of storing an enormous amount of dictionary data in each information terminal and facilitates the maintenance of dictionary data*" (column 2 lines 21-24).

12. **Regarding dependent claim 10**, Levac discloses transmitted text that includes a title of the web page with the text of the web page. Levac recites: "*Preferably, the .msa file created by message file generator 23 may incorporate, and in some instances must incorporate, the following information: 1. OWNER: identifies the user who created the file; consists of the length of the user's name followed by the user's name; required stream. 2. FILENAME: identifies the name the file was saved as by the user; consists of the length of the FILENAME followed by the FILENAME; required stream. 3. FILETYPE: identifies the format (for example, .wav or .msw) of the actual message as generated embedded within the .msa file; consists of the length of the FILETYPE followed by the FILETYPE; required stream. 4. DATA: contains the message and associated components, such as text characters or*

control codes, in the format defined by the FILETYPE stream; consists of the length of the DATA array followed by the DATA array; required stream" (column 4, lines 48-67), (compare *"title"* with *"File Name"* and *"text"* with *"Data"*).

13.   **Regarding dependent claim 11**, Levac discloses the transmission of a creation date with the text. Levac recites: *"Message file generator 23 embeds the actual message in the .msa file together with primary data streams specifying essential message parameters, such as date, time"* (column 4, lines 39-42).

14.   **Regarding claims 13-15**, the claims are directed toward a method for the apparatus of claims 9-11, respectively, and are rejected using the same rationale.

15.   **Regarding claims 54 and 55**, the claims are directed toward defining the invention's phonetic character string as characters for representing pronunciation of words. Levac, Whitledge and Kojima disclose phonetic character strings as described above. The *"Speech Synthesis"* article described above includes a description of characters for representing the pronunciation of words (described as *"Tokenization"*) in the first paragraph on page 2.

16.   **Regarding claims 58 and 59**, Levac discloses deleting. Levac recites: *"In addition to routing messages to protocol converters 24a-n, message server*

14 also transmits server commands, such as the activate message command

discussed previously. Other server commands can include a "delete

message" command and a "delete all messages" command" (column 9, lines

25-29). A message could be deleted by Levac's invention in order to avoid

converting the message to synthetic speech. Levac fails to disclose deleting

registered character strings from a web page based upon character strings

registered in a predetermined file.

Whitledge teaches deleting registered character strings from a web page

based upon character strings registered in a predetermined file. Whitledge

disclose consulting a preference file where predetermined conversion

preferences are stored. Whitledge recites: *"At Step 26, the content converter*

16 consults the database 18 to obtain conversion preferences (e.g.,

conversion preferences to convert the original electronic document requested

by the first network device 12 into a converted electronic document for the

first network device 12). The conversion preferences can include any of user-

preferences, device-conversion preferences, site-specific conversion

preferences, or other preferences for content conversion" (column 8, lines 5-

13).

Whitledge's conversion process is embodied as a metadata object,

wherein the metadata object includes delete capabilities on text based on

stored text. Whitledge recites: *"In an exemplary preferred embodiment of the*

present invention, a metadata object is a C++ object that conveys information

such as request/response headers, conversion preferences and other

information about a "databody" stored in a datapipe object. The datapipe object is also a C++ object. However, metadata objects and datapipe objects other than C++ objects could also be used. A databody is electronic document content such as hypertext markup languages (e.g., SGML, HTML, XML, VRML, etc.), text, graphical data, or graphics, animation, audio, video or other content that is stored in a datapipe object" (column 10, lines 33-44).

Whitledge discloses the C++ object with delete capabilities in Table 1 (see column 11) where the sample code shown for the CCMetaData object includes a delete process. Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the text deletion capabilities of Whitledge with the intelligent messaging system of Levac in order to provide "*a method and system for converting the content of electronic data for a desired network device*" (Whitledge, column 1, lines 18-19).

Response to Arguments

17.   Applicant's arguments with respect to claim9-11, 13-15, 54 and 55 have been considered but are moot in view of the new ground(s) of rejection, as described above.

Conclusion

18.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

/Gregory J. Vaughn/
Patent Examiner
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